

REMARKS

Reconsideration of the rejections set forth in the Office Action mailed March 30, 2005, is respectfully requested. Claims 83, 91, 95, 99, and 104 have been amended. Claims 97 and 98 have been canceled. Claims 83-91, 95, 99-101, 104-105, and 107 remain pending in this case. Support for these amendments can be found in the specification at, e.g., page 14, line 24 – page 15, line 26; page 27, lines 25-31; page 38, line 14 – page 39, line 24; and page 43, lines 11-30. Therefore, these amendments are made without the introduction of new matter.

Vagueness and Indefiniteness

Claims 91, 95, 97-101, 104, 105, and 107 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite for failing to particularly point out and distinctly claim the subject matter that applicant regards as the invention. In particular, the examiner has requested clarification as to what component(s) of “said location” are being placed at a particular charge or electrical potential. Applicants have amended claims 91, 95, 99, and 104 to specify that the “electrode of the microlocation” is placed at a specific charge or potential. Claims 97 and 98 have been canceled, therefore, the rejections to these claims are moot. Applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Art Rejections

Claims 83 and 84 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Kreisher (USP 4,589,965) in view of Ramachandran et al. (USP 5,109,124). As argued previously, claim 83 requires the step of “*providing an array of microlocations comprising a*

permeation layer coupled to a plurality of electrodes, wherein each microlocation comprises an electrode coupled to the permeation layer.” Applicants respectfully assert that neither Kreisher nor Ramachandran teach or suggest the *an array of microlocations* comprising a permeation layer coupled to a *plurality of electrodes*. In contrast, Kreisher sandwiches the gel and membrane between *plate electrodes*. (See Col. 2, lines 33-43). The examiner has taken the position that Kreisher et al. teaches alternative embodiments of the invention apart from the use of plate electrodes. The examiner has cited passages that describe a system in which “(t)he electrodes are laid out in a grid fashion” (Col. 1, lines 54-57) or in a “platinum grid system” (Col. 4, lines 59-61). Applicants respectfully assert that these passages are referring to systems in the prior art and are not alternative embodiments of the system described in the ‘965 patent. The first passage cited by the examiner is in the “Background of the Invention” section of the patent and is comparing an electroblotting system in the prior art with capillary transfer systems. The second passage is discussing the maximum voltage that a classic platinum grid system can use. In fact, the preferred plate electrode system of the ‘965 patent is later distinguished from the platinum grid system later in that same paragraph. (See Col. 4, line 62 – Col. 7, line 10) In the ‘965 patent, the inventors repeatedly emphasize that the system comprises two plate electrodes. (See Col. 2, lines 35-41 “In accordance with the process of the present invention, an electrophoretically resolved material is provided in a gelatin sheet, said sheet is placed in contacting relationship with an immobilizing material, ... sandwiching said sheet-material combination between two plate electrodes.” (emphasis added) See also Col. 3, lines 3-6 “Additional advantages of the present invention include the fact that two, flat electrically

conductive plates are used as electrodes eliminating the need for expensive platinum wire.”

(emphasis added))

Additionally, applicants assert that the cited references do not teach the steps of “*contacting a biomolecule in solution with the permeation layer at a microlocation*” and “*concentrating the biomolecule at the microlocation by placing the electrode of the microlocation at an opposite charge to the biomolecule,*” as required by the currently amended claims. The ‘965 patent concerns an electroblotting system in which electrophoretically resolved material in a gelatin sheet is transferred to another immobilizing material. (See, e.g., Col. 1, lines 26-30 and Col. 2, lines 35-43) In electroblotting, the resolved material retains the same relative positions on the immobilizing material as in the gel. (See, e.g., Col. 1, line 66 – Col. 2, line 2 “Moreover, the transferred molecules are bound to the membrane so that there is no loss of resolution while biological activity is usually retained.” emphasis added) Because the material was already resolved in the gel before being placed between the plate electrodes (see Col. 2, lines 35-41), the ‘095 patent does not describe a method including the steps of “*contacting a biomolecule in solution with the permeation layer at a microlocation*” and “*concentrating the biomolecule at the microlocation by placing the electrode of the microlocation at an opposite charge to the biomolecule.*”

For the reason explained above, applicants respectfully request withdrawal of the rejections and reconsideration of the claims as amended.

Information Disclosure Statement

The examiner had previously noted that one of the citations (JP 05 285000) on the IDS submitted on April 16, 2004, is lined through because no copy was found. Applicants previously submitted a copy of the omitted reference along with a statement of relevance in the amendment and response filed on October 11, 2004. **Applicants respectfully request the return of the PTO FORM-1449 submitted on April 16, 2004, with the above-referenced Japanese reference initialized by the examiner.**

CONCLUSION

For all the foregoing reasons, Applicants assert the claims are in condition for allowance. Favorable action on the merits of the claims is therefore earnestly solicited. If any issues remain, please contact Applicants' undersigned representative at (949) 737-2900. The Commissioner is hereby authorized to charge any fees that may be required in connection with the filing of these documents to Deposit Account No. 50-2862.

Respectfully submitted,

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